

Strategy –Impoundment of Vehicle License Plates

General Description

A recurring problem with Driving while License Revoked (DWLR) charges is the fact that simply removing a person's privilege or license to drive does not guarantee that an individual will stay out from behind the wheel. Other than incarceration, there is no method of ensuring that revoked individuals do not continue to operate a motor vehicle. Therefore strategies should examine ways to 1) Increase the penalties for driving while revoked, 2) Make it more difficult or more of an inconvenience to do so and 3) Make it easier for law enforcement officers to identify vehicles of revoked individuals. This strategy will target individuals who drive while license revoked, where the license were revoked for a DWI related offense.

IMPOUNDMENT OF PLATES

When it is determined that the driver of a vehicle was operating the vehicle with a suspended or revoked license due to a DWI offense, a license plate impoundment order shall be issued by the law enforcement officer. The order must require the impoundment of the license plates of the motor vehicle being driven at the time and the plates of all other motor vehicles owned by, registered or leased in the name of the violator. This would include vehicles registered jointly or leased in the name of the violator and another person.

SURRENDER OF PLATES

Within seven (7) days after issuance of the impoundment notice, a person who receives an impoundment order shall surrender all license plates subject to the order that were not seized by the law enforcement officer to the Division of Motor Vehicles (DMV). The law enforcement officer shall forward a copy of the impoundment order with all pertinent information on it to the DMV within 48 hours of issuance so that the appropriate records can be updated. At the end of the seven day period, DMV shall update all subject records showing that any outstanding plates are no longer valid. An administrative fee of \$25.00 shall be assessed for the surrender of each plate and for plates that are not surrendered within the first 48 hours, an additional fee of \$25.00 will be assessed for each 48 hours period, or portion thereof, that the license plates are not surrendered. If necessary, a lien may be placed upon the owner's car or other real property to ensure that the fees are paid in full (much like drug asset forfeiture seizures).

SPECIAL LICENSE PLATES

At any time during the effective period of an impoundment order, a violator or registered owner may apply to the DMV for new registration plates, which must bear a special series of numbers or letters so as to be readily identified by law enforcement officers. The DMV may authorize the issuance of special plates if: 1) the violator has a qualified licensed driver living with, or in the same household, or shares a vehicle the violator whom the violator must identify. The identified driver must be made aware of the revocation order placed on his/her roommate either by affidavit or some other means, 2) the registered owner is not the violator and the registered owner has a valid driver's license or 3) a member of the registered owner's household has a valid drivers license.

To further assist law enforcement officers in the identification of vehicles with special plates (when approaching from the front), the inspection sticker shall be of a unique color (i.e. blaze orange) during the period that the vehicle is required to carry the special license plates. Proof of compliance in regards to the special inspection sticker will be required prior to the special license plates. There will be an additional fee associated with the unique inspection sticker above and beyond the normal cost of said sticker.

STOP OF VEHICLE BEARING SPECIAL PLATES

A law enforcement officer who observes a car bearing the special plates shall be deemed to have sufficient justification to make a vehicle stop in order to see if the driver has a valid driver's license.

NEW LICENSE PLATES (REGULAR PLATES)

The DMV shall not issue new license plates for the vehicle subject to the impoundment notice for a period of at least one year from the date of the impoundment order. In addition, if the owner is the violator, new registration plates may not be issued for the vehicle(s) unless the person has been reissued a valid driver's license.

REISSUE OF LICENSE PLATES

If, 1) the driver's license revocation that was the basis for an impoundment order is rescinded, 2) the charges for the plate impoundment violation have been dismissed with prejudice or 3) the violator has been acquitted of the plate impoundment violation, then the DMV shall issue new license plates for the vehicle at no cost when the owner can provide sufficient documentation of one of the above listed conditions.

CHARGE FOR REINSTATEMENT OF PLATES

When the DMV reinstates a person's license plate(s) after the impoundment period for reasons other than described above, the DMV shall charge the sum of \$100.00 for each vehicle for which the license plates are being reinstated.

REINSTATEMENT FEES

Fees collected under this strategy must be credited one-half to the highway user fund and one-half to the general fund.

Technical Attributes

Target	Individuals who drive while license revoked, where the license were revoked for a DWI related offense. Although offending drivers are the ultimate target, the immediate focus is on the vehicle in which an offender is apprehended..
Expected Effectiveness	A similar strategy has been proven effective in Minnesota, where its impact was measured by length of time between offenses. For multiple offenders, at 12 and 24 months following the event, 16% and 26% of those whose plates were not seized had repeat offenses, compared to only 8% and 13% of those whose plates were seized.
Keys to Success	<p>It is essential that implementation be administrative, not judicial. In Minnesota, when the process was administered through the courts, it was applied to only about 5% of the eligible offenders. When it was implemented administratively, the rate increased to 64%.</p> <p>The law should be applied regardless of vehicle ownership. Even if the vehicle is owned</p>

by someone else, the license plates should be impounded and the vehicle must bear the special license plates for a period of one year, plus the vehicle must pay all applicable fees. This will discourage individuals from lending their vehicles to revoked drivers.

All DMV registration information must be kept up to date and the system updated in a timely manner to reflect impoundment orders.

If the vehicle was not owned by the driver who was arrested, the registered owner may be able to have new regular license plates issued for the vehicle. The registered owner would have to file a sworn statement with the DMV and request new plates. If the statement satisfies certain basic criteria (i.e the vehicle was reported stolen prior to the license plates being impounded), new plates will be issued.

Potential Difficulties	Probably the most critical key to success is that the process is handled administratively, preferably by the arresting officer, rather than the court system.
Appropriate Measures and Data	The number of DWLR charges should be tracked to determine if this strategy is effective. Law enforcement agencies should also be required to report the number of vehicle license plates impounded as a result of this statute. Collisions involving DWLR offenders pre- and post-strategy should be tracked.
Associated Needs	The DMV will need to work closely with law enforcement for this strategy to be optimally successful. Driver history information must be available, preferably in real time, to the arresting officer and driver records and vehicle registration information/records must be kept updated.
Organizational, Institutional, and Policy Issues	In the absence of existing current legislation, it will be crucial that DMV and law enforcement seek the support of legislators.
Issues Affecting Implementation Time	Implementation time will be primarily affected by getting the required legislation passed.
Costs	<p>Both the public and key legislators will need to be educated. Associated costs will include preparation of clear, concise materials that can be used by the media as well as by legislative staff.</p> <p>Implementation cost will include cost associated with developing and preparing forms, programming state records and training personnel, including law enforcement, traffic records and judicial.</p>
Training	Enforcement personnel will be on the “front line” for this strategy. They will need to be fully informed of how the law is to be implemented, what records will need to be accessed, what forms will need to be completed and where information should be sent.
Legislative Needs	Authorizing legislation will be needed.